

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ALETHEA JAMES,)
Plaintiff) Civil Action
vs.) No. 11-cv-05096
CAROLYN W. COLVIN,)
Acting Commissioner of the)
Social Security Administration)
Defendant)
SOCIAL SECURITY ADMINISTRATION)
Interested Party)

O R D E R

NOW, this 6th day of October, 2014, upon consideration of the following documents:

- (1) Complaint filed August 10, 2011;
- (2) Answer filed October 6, 2011;
- (3) Plaintiff's Motion in Support of Request for Review, which motion was filed November 1, 2011 ("Plaintiff's Motion");
- (4) Defendant's Response to Request for Review of Plaintiff, which response was filed December 5, 2011;
- (5) Plaintiff Alethia James' Reply to "Defendant's Response to Request for Review of Plaintiff", which reply was filed December 6, 2011 ("Plaintiff's Reply");
- (6) Defendant's letter brief filed on June 24, 2014;¹

¹ Defendant's letter brief and Attachments 1 through 11 to that letter brief were filed on June 24, 2014 as documents 14 and 14-1. A duplicate copy of that letter brief and the supporting attachments was filed June 30, 2014 as documents 15 and 15-1.

- (7) Plaintiff Alethia James' Response to Defendant's "Letter Reply" Dated June 24, 2014, which response was filed July 2, 2014 ("Plaintiff's Response");
- (8) Report and Recommendation of United States Magistrate Judge Thomas J. Rueter dated and filed July 10, 2014; and
- (9) Plaintiff Alethia James' Written Objections to the United States Magistrate's Report and Recommendation, which objections were filed July 15, 2014 ("Plaintiff's Objections");

and upon consideration of the parties' exhibits and attachments filed together with the documents described above; after a thorough review of the record in this matter; it appearing that Plaintiff's Objections to Magistrate Judge Rueter's Report and Recommendation are essentially a restatement of the issues raised in Plaintiff's Motion, Plaintiff's Reply, and Plaintiff's Response and are without merit; it further appearing after de novo review of this matter that Magistrate Judge Rueter correctly determined the legal and factual issues presented,

IT IS ORDERED that Magistrate Judge Rueter's Report and Recommendation is approved and adopted.²

² The extent of review of a Magistrate Judge's Report and Recommendation is committed to the discretion of the district court. Jozefick v. Shalala, 854 F.Supp. 342, 347 (M.D.Pa. 1994). However, the district court must review de novo those portions of the Report and Recommendation to which objection is made. 28 U.S.C. § 636(b)(1)(c). The court may "accept, reject or modify, in whole or in part, the magistrate's findings or recommendations." Brophy v. Halter, 153 F.Supp.2d 667, 669 (E.D.Pa. 2001)(Padova, J.); Rule 72.1(IV)(b) of the Rules of Civil Procedure for the United States District Court for the Eastern District of Pennsylvania.

Furthermore, district judges have wide latitude regarding how they treat recommendations of the magistrate judge. See United States v. Raddatz, 447 U.S. 667, 100 S.Ct. 2406, 65 L.Ed.2d 424 (1980). Indeed, by providing for a de novo determination, rather than a de novo hearing, Congress intended to permit

(Footnote 2 continued):

IT IS FURTHER ORDERED that the decision of the Acting Commissioner is affirmed.

IT IS FURTHER ORDERED that plaintiff's request for review is denied.

IT IS FURTHER ORDERED that plaintiff's alternative request for remand is denied.

IT IS FURTHER ORDERED that Plaintiff's Objections to the Report and Recommendation of Magistrate Judge Rueter are overruled.³

IT IS FURTHER ORDERED that judgment is entered in favor of defendant Carolyn W. Colvin and against plaintiff Alethia James.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

/s/ JAMES KNOLL GARDNER _____
James Knoll Gardner
United States District Judge

(Continuation of footnote 2):

a district judge, in the exercise of the court's sound discretion, the option of placing whatever reliance the court chooses to place on the magistrate judge's proposed findings and conclusions. I may accept, reject or modify, in whole or in part, any of the findings or recommendations made by the magistrate judge. Raddatz, supra.

³ As noted above, Plaintiff's Objections to Magistrate Judge Rueter's Report and Recommendation merely restate the underlying claims contained in her request for review -- that is, in Plaintiff's Motion, Plaintiff's Reply, and Plaintiff's Response. Moreover, upon review of the Report and Recommendation, together with de novo review of the entire record, I conclude that the Report and Recommendation correctly determines the legal and factual issues raised by plaintiff.

Accordingly, I approve and adopt Magistrate Judge Reuter's Report and Recommendation and overrule Plaintiff's Objections to it.